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8 **United States District Court**
9 **Central District of California**
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12) **CASE NO.**

13) **CIVIL COURT TRIAL ORDER**
14)

15 **Plaintiff(s),**

16 **v.**

17 **Defendant(s).**
18 _____
19

20 The above matter is set for trial before the Honorable Audrey B. Collins, Courtroom
21 680, Roybal Federal Building, 255 East Temple Street, Los Angeles, CA 90012.

22 **PRETRIAL AND TRIAL DATES**

23 1. The Court orders the following dates:

24 a. Cut-off date for filing motions to join other parties or amend the pleadings is

25 _____.

26 b. Discovery cut-off is _____.

27 c. Cut-off date for motions to be filed is Monday, _____.

28 d. Final Pretrial Conference is set for Monday, _____ at 10:00 a.m.

e. Trial is set for Tuesday, _____ at 8:30 a.m.

1 **DISCOVERY**

2 2. The Court has ordered the above cut-off date for discovery in this action. *The*
3 *non-expert discovery cut-off date means the last day by which all depositions must be*
4 *completed and responses to all previously served written discovery must be provided. It does*
5 *not mean the last day to initiate discovery or to file a motion with the magistrate judge*
6 *seeking to compel discovery.* A deposition commenced at least five (5) days before the cut-off
7 date may continue beyond the cut-off date. Discovery should be kept to a minimum and focus
8 only on issues genuinely in dispute. Counsel are expected to resolve substantially all discovery
9 problems without the assistance of the Court. If discovery disputes cannot be resolved, the
10 Court requires strict compliance with Local Rule 37.

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12 **LAW AND MOTION**

13 3. The Court has ordered the above cut-off dates for the filing of motions in this action.
14 Electronic filing (“efiling”) is mandatory in this district. See Local Rule (“L.R.”) 5-4.1. Local
15 Rule 5-4, “Filing Documents,” sets forth how efiling works in this district. **Counsel must**
16 **familiarize themselves with this rule.** Following the filing of any document, two sets of
17 mandatory chamber copies of the document must be delivered directly to chambers by 12:00
18 p.m. (noon) of the next court day. Chambers copies do not need to be blue-backed. For
19 security reasons, chambers copies should be removed from envelopes or folders before being
20 placed in the chambers drop-box.

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22 4. All motions must comply with Local Rule 7. **Counsel must comply with Local Rule**
23 **7-3, Conference of Counsel Prior to Filing of Motions.** See detailed discussion in the
24 Court’s Order Re: Scheduling Conference.

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26 5. For motions for summary judgment, the Court encourages the moving party to provide
27 more than the minimum twenty-eight (28) days’ notice. The movant must send to chambers’s
28 email address, in Wordperfect or MS Word format, the Statement of Uncontroverted Facts and

1 Conclusions of Law. Chambers's email address is abc_chambers@cacd.uscourts.gov .

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3 6. If the Court will not require oral argument, counsel will be so advised the week before
4 the hearing date. If the Court will require oral argument, the Court generally provides a
5 tentative ruling or an outline of issues on which argument should concentrate. The Deputy
6 Courtroom Clerk will distribute the tentative ruling or outline before the hearing, usually when
7 counsel check in.

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9 **ALTERNATIVE DISPUTE RESOLUTION (ADR)**

10 7. As set forth in Local Rule 16-15.1, every case must attempt Alternative Dispute
11 Resolution ("ADR"). This Court participates in the Court-Directed ADR Program. Therefore,
12 at the Scheduling Conference, all civil cases will presumptively be referred either to the
13 Mediation Panel or to a private dispute resolution process. A settlement conference with a
14 magistrate judge is generally not available for cases within the Court-Directed ADR Program.
15 (See General Order 11-10 for a full description of the program.) Counsel must comply with
16 Local Rule 26-1.(c) and General Order 11-10 sections 5.1 and 5.2, which order counsel to
17 furnish and discuss with their clients the Notice to Parties of Court-Directed ADR Program in
18 preparation for the Fed. R. Civ. P. 26(f) conference of parties. Plaintiff's counsel received this
19 Notice at the time the Complaint was filed and must serve all parties with this notice.

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21 8. The undersigned will not conduct settlement conferences in non-jury cases she is to try.

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24 9. Unless otherwise ordered by the judge or magistrate judge conducting a settlement
25 conference, the parties shall follow the "Requirements for ADR Procedures" set forth in Local
26 Rule 16-15.5.

27
28 10. If a settlement is reached, it shall be reported immediately to this Court as required by

1 Local Rule 16-15.7.

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3 **FINAL PRETRIAL CONFERENCE**

4 11. Unless this case is exempt from a Final Pretrial Conference pursuant to Local Rule 16-
5 12, or the Court expressly waived pretrial procedures pursuant to Local Rule 16-11, this case
6 has been placed on calendar for a Final Pretrial Conference (“FPTC”), as stated above ,
7 pursuant to Fed. R. Civ. P. 16(e) and Local Rule 16. Unless excused for good cause, each party
8 appearing in this action shall be represented at the FPTC and all pretrial meetings by that
9 party’s lead trial attorney. *See* L.R. 16-8.

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11 12. The Court will not continue the FPTC merely on stipulation of the parties. L.R. 16-9.
12 Counsel should plan to do the necessary pretrial work on a schedule that will ensure its
13 completion with time to spare before the FPTC, and in accordance with Local Rule 16. Failure
14 to complete discovery is not a ground for a continuance.

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16 13. At the FPTC, counsel must be ready to discuss how to streamline the trial, including, but
17 not limited to bifurcation, presentation of non-critical testimony by deposition, stipulations as
18 to the content of testimony, and qualification of experts by admitted resumes. In those rare
19 cases in which the Court has waived the FPTC, counsel must follow Local Rule 11-2.

20
21 **PREPARATION FOR FINAL PRETRIAL CONFERENCE**

22 14. The Court requires compliance with all elements of Local Rule 16. Carefully prepared
23 Memoranda of Contentions of Fact (which may also serve as the trial brief), Witness Lists,
24 Joint Exhibit Lists, and a Proposed Final Pretrial Conference Order (“FPTCO”) shall be
25 prepared and submitted in accordance with the timing and other provisions of Local Rules 16-2
26 through 16-7.

27 In addition, motions in limine must be noticed for hearing at the FPTC.

28 **Note that counsel must confer in preparation for the FPTC no later than**

forty (40) days because the FPTC. Service and filing of trial documents begins 21 days before the FPTC. L.R. 16-4.

Also note that Rule 16 contains specific requirements for the presentation of deposition testimony (L.R. 16-2.7) and the disclosure of graphic and illustrative material (L.R. 16-3).

15. As required by Local Rule 16-7.2, the FPTCO should follow the format shown in Pretrial Form No. 1. See Local Rules Appendix A, "Pretrial Form No. 1".

16. In addition, at the time that they lodge the FPTCO, the parties must file a Status Report Re: Settlement, indicating whether they have conducted the Local Rule 16 ADR Procedure and/or what additional steps are being taken to achieve settlement.

MOTIONS IN LIMINE

17. Motions in limine on classes of evidence that are appropriate for preliminary rulings must be filed by the Monday twenty-one (21) days before the date of the Final Pretrial Conference. Oppositions shall be filed seven (7) days later. Replies are not ordinarily filed for motions in limine. The Court does not appreciate mass filings of such motions and may limit those heard if parties abuse the process.

PREPARATION FOR COURT TRIAL: FINDINGS OF FACT AND CONCLUSIONS OF LAW, EXHIBITS, AND WITNESS LISTS

18. Counsel comply with the following in their preparation for trial:

- a. Counsel for each party shall lodge and serve proposed Findings of Fact and Conclusions of Law at least seven (7) days before trial.
- b. The parties shall be prepared to submit to the Court, and to exchange among themselves, supplemental findings of fact and conclusions of law during the course of the trial.
- c. Counsel must prepare their exhibits for presentation at trial by

1 placing them in 3-hole binders with tabs down the side showing the
2 exhibit numbers. These binders are to be prepared in an original
3 (for the Courtroom Deputy Clerk) and two copies. The originals
4 shall each be tagged with the appropriate exhibit tags in the upper
5 or lower right-hand corner of the first page of each exhibit. Each
6 binder shall contain a list of each exhibit it contains. The exhibits
7 must be numbered in accordance with Local Rule 16-6. Counsel
8 shall supply three extra copies of their individual or joint exhibit
9 lists and witness lists to the Courtroom Deputy Clerk at the trial.

- 10 d. Counsel must meet not later than ten (10) calendar days before trial
11 to stipulate as far as is possible to foundation, waiver of the best
12 evidence rule, and which exhibits may be received into evidence at
13 the start of trial. The exhibits to be so received will be noted on the
14 extra copies of the exhibit lists.

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18 Dated: _____

19 AUDREY B. COLLINS
United States District Judge

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25 [Updated September 21, 2012]
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